IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION NO : 24117 of 2004**

Between:

Banoth Devulal, S/o. B. Joga,
Northern Power Distribution Company

of A.P. Ltd., Adilabad,
R/o. H.No. 2-9-418, Snehanagar,

NGOs Colony road, Hanmakonda, Warangal District.

**..... PETITIONER**

AND

1. Transmission Corporation of A.P. Ltd.,

Rep. by its Chairman and M.D.,
Vidyout Soudha, Hyderabad-82.

2 Norther Power Distribution Company of A.P. Ltd.,
Corporate Office, Warangal-506 004.
rep. by its Chairman & Managing Director.

3 The Chief Engineer, Zone, Northern Power- Distribution Company of A.P. Ltd., Nizmabad.

4 The Superintending Engineer, Operation, Northern Power Distribution Company of A.P. Ltd.,
Adilabad. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ order or direction particularly one in the nature of writ of mandamus declaring Memo No. CGM (HRD)/GM (S)/AS(I)/680-PO.I/04 dt. 30.11.2004 issued by the Chairman and Manging Director, Northern Power Distribution Company of A.P. Ltd., Corporate Office, Warangal as illegal, arbitrary and violative of Articles 14, 16 and 16 (4A) of the Constitution of India and pass such other order or orders as this Hon'ble Court deems fit and proper

in the circumstances of the case.

**Counsel for the Petitioner: MR.M.PANDURANGA RAO**

**Counsel for the Respondents: MR.S.RAVINDRANATH**

**The Court at the admission stage, made the following :**

**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION NO : 24117 of 2004**

**ORDER:**

This writ petition is filed to declare the Memo No.CGM (HRD)/GM(S)/AS(I)/680-PO.I/04, dated 30-11-2004 issued by the 2nd respondent-Chairman and Managing Director, Northern Power Distribution Company of AP Limited, Corporate Office, Warangal, as illegal and arbitrary.

2. Heard the learned counsel for the petitioner and the learned standing counsel for the respondent-Corporation.

3 . The learned counsel for the petitioner contended that in respect of the promotion to the similarly situated persons, exemption has been given. But when the case of the petitioner was taken into consideration, the petitioner had been discriminated and therefore, a direction may be given to the 2nd respondent to consider the case of the petitioner on par with the other persons who are given promotion while granting exemptions.

4 . On the other hand, the learned standing counsel for the respondent-Corporation opposed the same on the ground
that the impugned memo dated 30-11-2004 itself is only
show-cause-notice calling for the explanation from the petitioner. The petitioner can as well give explanation to the 2nd respondent. The impugned memo dated 30-11-2004 would go to show that the promotion of the petitioner is taken up under review to withdraw or cancel the promotion given with immediate effect in pursuance of the Regulation 25(b) of Part-II of the Andhra Pradesh State

Electricity Board Service Regulations, and therefore, he was called upon to submit his representation within 15 days from the date of receipt of the memo, failing which, the decision will be taken as per the Rules.

5. As rightly contended by the learned standing counsel for the respondent-Corporation, it is only a show cause notice, the petitioner can as well give explanation to the said show cause notice. Therefore, I deem it consider that since the time has been lapsed, reasonable time is given to the petitioner so that he can give explanation to the 2nd respondent within two weeks from the date of receipt of a copy of this order, if not already submitted, and thereafter the 2nd respondent shall take appropriate decision in accordance with the law and Rules and also duly taking into consideration the similarly situated persons for whom exemption has been granted.

6. Accordingly, the writ petition, with the above observation, is disposed of. No order as to costs.

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December 30, 2004

Kvr

To

1. The Chairman and Managing Director, Transmission Corporation of A.P. Ltd., Vidyout Soudha, Hyderabad-82.

2. The Chairman and Managing Director, Northern Power

Distribution Company of A.P. Ltd.,
Corporate Office, Warangal-5-6 004.

3 The Chief Engineer, Zone, Northern Power- Distribution Company of A.P. Ltd., Nizmabad.

4 The Superintending Engineer, Operation, Northern Power Distribution Company of A.P. Ltd.,
Adilabad.

5 2 C.D copies.